

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5047 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

JAYENDRA HIRALAL KHARAWALA

Versus

COMPETENT AUTHORITY & DEPUTY COLLECTOR (ULC)

Appearance:

MR PV NANAVATI for Petitioner

MR VM PANCHOLI, AGP, for Respondent No. 1

DS AFF.NOT FILED (N) for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/07/1999

ORAL JUDGEMENT

Heard Mr P.V. Nanavati for the petitioner and Mr
V.M.Pancholi, learned AGP, for the respondents.

2 The petitioner has challenged the order passed by
the State Government under the provisions of Section 34
of the Urban Land (Ceiling & Regulation) Act, 1976, and
the consequential order passed by the competent authority

under the said Act. While admitting this petition, this Court granted interim stay directing the parties to maintain status quo. The authorities have accordingly not taken the possession of the land in question from the petitioner which fact is not in dispute in view of the instructions received by the learned AGP from Mr M.R. Kothari, Deputy Collector, ULC, Ahmedabad (Unit 8 Sr.No.30).

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)
(mohd)